



FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701-3271
WWW.FULBRIGHT.COM

1638
RECEIVED

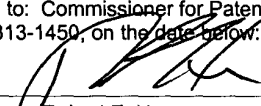
MAY 14 2003

TECH CENTER 1600/2900

RHANSON@FULBRIGHT.COM
DIRECT DIAL: (512) 536-3085

TELEPHONE: (512) 474-5201
FACSIMILE: (512) 536-4598

May 5, 2003

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, on the date below:	
May 5, 2003	
Date	Robert E. Hanson

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: *SN 09/804,733; Entitled "RECOMBINANT PROTEINS CONTAINING REPEATING UNITS" – Qi Wang, et al.*
Our Ref. MONS:016US; (Client Ref. 51718-US-01)


Sir:

Please find enclosed:

1. Response to Restriction Requirement dated April 3, 2003; and
2. A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted or should any additional fees be required under 37 C.F.R. §§ 1.16 to 1.21 for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/MONS:016US.

Respectfully submitted,


Robert E. Hanson
Reg. No. 42,628

REH/fb
Enclosures: As stated

25292474.1



#18
BP
5-15-03

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, on the date below:

05/05/03
Date

Robert E. Hanson

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Qi Wang et al.

Serial No.: 09/804,733

Filed: March 13, 2001

For: RECOMBINANT PROTEINS
CONTAINING REPEATING UNITS

Group Art Unit: 1638

Examiner: Kruse, David H.

Atty. Dkt. No.: MONS:016US

RECEIVED

MAY 14 2003

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT DATED APRIL 3, 2003

Commissioner for Patents
Washington, D.C. 20231

Commissioner:

This paper is submitted in response to the Restriction Requirement dated April 3, 2003, for which the date for response is May 5, 2003, as May 3 falls on a Saturday.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/MONS:016US.

In response to the restriction requirement which the Examiner imposed, Applicants elect, with traverse, to prosecute claims 1-18 and 20, *i.e.*, the Group V claims.

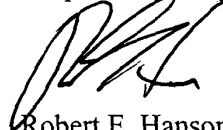
Claim Groups I-V are each drawn to a method for producing a recombinant protein containing two tandem repeat units in a host cell. The restricted claims all include the same

claims, claims 1-19, save group V, which concerns claims 1-18 and 20. Similarly, the claims all have the same classification; class 435, subclass 69.1. It thus cannot reasonably be alleged that the claim groupings cannot be used together and have different modes of operation – they are from the same claims and have the same classification. This is true with respect to Groups VII-XI, XV-XIX and XX-XXIV as well. Where the claims of an application define the same essential characteristics of a single disclosed embodiment, restriction therebetween should never be required. M.P.E.P. § 806.03. Applicants therefore respectfully request that the restrictions within these groups be withdrawn.

Applicants further note that, in addition to a showing that the claims are independent, a serious burden on the examiner must also be shown in order to properly maintain the restriction. M.P.E.P. § 803. No such showing has been provided or explained as is required pursuant to 35 U.S.C. §132. The fact that the recited claim groupings include the same claims and same classification of subject matter shows that such a burden is not present with regard to the recited groupings. For this and the foregoing reasons, Applicants respectfully request that the restriction within Groups I-V, VII-XI, XV-XIX and XX-XXIV be withdrawn.

The Examiner is invited to contact the undersigned attorney at (512) 536-3085 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Robert E. Hanson
Reg. No. 42,628
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3085

Date: 05/05/03